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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,136	10/24/2003	David M. Allen	2646-000001	1778
27572	7590	06/01/2005		
HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			EXAMINER NGUYEN, SON T	
			ART UNIT	PAPER NUMBER
			3643	

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/693,136

Applicant(s)

ALLEN, DAVID M.

Examiner

Son T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-19 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 09 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-4,9,10,17-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen (US 6128852) in view of Hinsperger (US 5070643).

For claims 1-4, Hansen teaches a ground mat comprising a non-rigid base 36, the base includes a pair of edges that cooperate to define a slit 40,22 (see fig. 5) and wherein the mat further includes a closure device such as a hook and loop fastener 46, wherein the slit extends from an outer edge of the base to a point outwardly of a center of the base (see fig. 5). However, Hansen is silent about a plurality of hold-downs coupled to the base and a plurality of tensioners.

Hinsperger teaches a ground mat comprising a plurality of hold-downs 8 coupled to a base 4 and a plurality of tensioners 12 having a first portion and a second portion that may be selectively coupled to the first portion (the rope 12 loops back to the first portion to tie it down) to adjust a distance between an associated pair of the hold-downs. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a plurality of hold-downs coupled to the base and a plurality of tensioners as taught by Hinsperger in the ground mat of Hansen in order to

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hold down the mat from wind and to allow a user to adjust the distance of the hold-downs by using the tensioners.

For claim 9, Hansen as modified by Hinsperger (emphasis on Hinsperger) teaches the tensioners include a loop and a strap. However, Hansen as modified by Hinsperger is silent about the loop being secured to the base, the strap having a first end, which is secured to the base, and a second end that is disposed through the loop. It would have been an obvious substitution of functional equivalent to substitute the loop and strap tied back to itself as taught by Hansen as modified by Hinsperger with about the loop being secured to the base, the strap having a first end, which is secured to the base, and a second end that is disposed through the loop, since both types of loop and strap tensioners would perform the same function to adjust the distance between the hold-downs.

For claim 10, Hansen as modified by Hinsperger (emphasis on Hansen) teaches wherein an aperture is formed in the base and the slit intersects the aperture (see fig. 1).

For claim 17, Hansen teaches a method of installing a ground mat having a non-rigid base 36, the method comprising the steps of securing the mat to the ground at a plurality of locations by laying the mat down. However, Hansen is silent about the step of tensioning. Hinsperger teaches a method of installing a ground mat having the step of tensioning the base 4 after it has been secured to the ground by tying tensioners 12 to hold-downs 8. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the step of tensioning as taught by Hinsperger

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in the method of Hansen in order to hold down the mat from wind and to allow a user to adjust the distance of the hold-downs by using the tensioners.

For claim 18, Hansen as modified by Hinsperger (emphasis on Hansen) further teaches wherein prior to securing the mat to the ground, the method includes opening a slit in the base and fitting the base about an object as shown in fig. 1 around the plant 26.

For claim 19, Hansen as modified by Hinsperger (emphasis on Hansen) further teaches wherein the step of fitting the base about an object includes forming a hole in the base, the hole intersecting the slit as shown clearly in fig. 5.

3. **Claims 5,7,8,11-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen as modified by Hinsperger as applied to claims 1,2,4 above, and further in view of Crawley (US 5085001).

Hansen as modified by Hinsperger is silent about wherein the slit terminates inwardly at a series of perforations/cutting indicia. Crawley teaches a ground mat wherein a slit 14 terminates inwardly at a series of perforations/cutting indicia 16,17 defining a plurality of shapes, wherein each shape is disposed inside another one of the shapes, wherein the shapes are concentric with one another and wherein each of the shapes is similar but differently sized. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a series of perforations/cutting indicia 16,17 defining a plurality of shapes, wherein each shape is disposed inside another one of the shapes, wherein the shapes are concentric with one another and wherein each of the shapes is similar but differently sized as taught by

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Crawley in the ground mat of Hansen as modified by Hinsperger in order to allow a user to accommodate to different sized object that the mat surrounds.

4. **Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen as modified by Hinsperger and Crawley as applied to claims 1,2,4,5 above, and further in view of McMurtrey (US 5058317).

Hansen as modified by Hinsperger and Crawley is silent about a plurality of intersecting lines. McMurtrey teaches a ground mat having a plurality of intersecting lines 16,22,36. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a plurality of intersecting lines as taught by McMurtrey in the mat of Hansen as modified by Hinsperger and Crawley in order to hug tightly around the object to be surrounded.

5. **Claim 16** is rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen as modified by Hinsperger and Crawley. See the above for explanation.

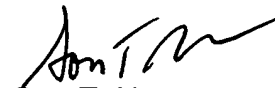
Response to Arguments

6. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son T. Nguyen whose telephone number is 571-272-6889. The examiner can normally be reached on Mon-Thu from 10:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Son T. Nguyen
Primary Examiner
Art Unit 3643

stn